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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Arnold Thaler

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EXAMINER

KAMAL, SHAHID

ART UNIT

PAPER NUMBER

3621

NOTIFICATION DATE

DELIVERY MODE

04/03/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

debbie.allen@bakerbotts.com

DETAILED ACTION

Acknowledgements

1. Claims 1-52 are now pending in this application.
2. Upon further review of the arguments provided by the applicant in the Pre-Appeal Brief filed on 02 December 2008, the FINAL Office action mailed on 04 November 2008 has been withdrawn. The prosecution of this application is hereby reopened.
3. The following is a **NON-FINAL** Office Action in response to the communication received on 02 December 2008.

Restrictions

4. Restriction to one of the following inventions is required under 35 U.S.C. §121:
 - I. Claims 1-20, 38-42, 48-50 drawn to a system and method for electronic transaction with verification, classified in class 705, subclass 75.
 - II. Claims 21-37, 43-47, and 51-52 drawn to a system and method for point of sale terminal, classified in class 705, subclass 16.

The inventions are distinct, each from the other because of the following reasons:

5. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not

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obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I, drawn to a system and method for electronic transaction with verification. Subcombination II, drawn to a system and method for point of sale terminal. These two subcombinations do not overlap in scope and are not obvious variants of each other. The first subcombination is related to electronic transaction with verification, while the second subcombination is related to a system and method for point of sale terminal. The two subcombinations do not overlap because they can exist independently of each other and they have separate structural elements. See MPEP § 806.05(d).

6. Because these inventions are independent or distinct for the reasons given above, because these inventions have acquired a separate status in the art as shown by their different classification and divergent subject matter, and because the search required for Group I is not required for Group II restriction for examination purposes as indicated is proper.

7. The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

8. Note: A telephone communication was not made because the requirement for this restriction is complex and the examiner knows from past experience that an election will not be made by telephone (see MPEP § 812.01).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the patent examiner should be directed to Shahid Kamal whose telephone number is (571) 270-3272. The Patent examiner can normally be reached on Monday-Thursday (8:30am -7:00pm), Friday off.

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for this origination where this application or proceeding is assigned is (571) 273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR.

13. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-directed.uspto.gov>.

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14. Should you have any questions on accessing to the Private PAIR system, contact the Electronic Business Center (EBC) at 1(866) 217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 1(800) 786-9199 (IN USA OR CANADA) or 1(571) 272-1000.

SK

March 28, 2009

/EVENS J. AUGUSTIN/

Primary Examiner, Art Unit 3621